

§ 6.13

(1) Refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted;

(2) Exercise the powers and functions provided by Title VI;

(3) Terminate or reduce payments under Title I, or limit the availability of payments under Title I to programs or activities not affected by the failure to comply; or

(4) Take such other actions as may be provided by law, including but not limited to, the initiation of proceedings under 24 CFR part 24 or any applicable proceeding under State or local law.

(b) *Termination, reduction, or limitation of the availability of Title I payments.* No order terminating, reducing, or limiting the availability of Title I payments under this part shall become effective until:

(1) The Secretary has notified the Governor of the State or the Chief Executive Officer of the unit of general local government of the Recipient's failure to comply in accordance with paragraph (a) of this section and of the termination, reduction or limitation of the availability of Title I payments to be taken;

(2) The Secretary has determined that compliance cannot be secured by voluntary means;

(3) The Recipient has been extended an opportunity for a hearing in accordance with § 6.13(a); and

(4) A final agency notice or decision has been rendered in accordance with paragraph (c) of this section or 24 CFR part 180.

(c) If a Recipient does not respond to the notice of opportunity for a hearing or does not elect to proceed with a hearing within 20 days of the issuance of the Secretary's actions listed in paragraphs (b)(1), (2) and (3) of this section, then the Secretary's approval of the termination, reduction or limitation of the availability of Title I payments is considered a final agency notice and the Recipient may seek judicial review in accordance with section 111(c) of the Act.

§ 6.13 Hearings and appeals.

(a) When a Recipient requests an opportunity for a hearing, in accordance with § 6.12(b)(3), the General Counsel

24 CFR Subtitle A (4-1-02 Edition)

will follow the notification procedures set forth in 24 CFR 180.415. The hearing, and any petition for review, will be conducted in accordance with the procedures set forth in 24 CFR part 180.

(b) After a hearing is held and a final agency decision is rendered under 24 CFR part 180, the Recipient may seek judicial review in accordance with section 111(c) of the Act.

PART 7—EQUAL EMPLOYMENT OPPORTUNITY; POLICY, PROCEDURES AND PROGRAMS

Subpart A—Equal Employment Opportunity Without Regard to Race, Color, Religion, Sex, National Origin, Age, Disability or Reprisal

GENERAL PROVISIONS

Sec.

- 7.1 Policy.
- 7.2 Definitions.
- 7.3 Designations.
- 7.4 Affirmative employment programs.
- 7.5 EEO Alternative Dispute Resolution Program.

RESPONSIBILITIES

- 7.10 Responsibilities of the Director of EEO.
- 7.11 Responsibilities of the EEO Officers.
- 7.12 Responsibilities of the EEO Counselors.
- 7.13 Responsibilities of the Assistant Secretary for Administration.
- 7.14 Responsibilities of the Office of Human Resources.
- 7.15 Responsibilities of managers and supervisors.
- 7.16 Responsibilities of employees.

PRE-COMPLAINT PROCESSING

- 7.25 Pre-complaint processing.
- 7.26 EEO Alternative Dispute Resolution Program.

COMPLAINTS

- 7.30 Presentation of complaint.
- 7.31 Who may file a complaint, with whom filed, and time limits.
- 7.32 Representation and official time.
- 7.33 Contents of the complaints.
- 7.34 Acceptability.
- 7.35 Processing.
- 7.36 Hearing.
- 7.37 Final action.
- 7.38 Appeals.

OTHER COMPLAINT AND APPEAL PROCEDURES

- 7.39 Negotiated grievance, MSPB appeal and administrative grievance procedures.